

108TH CONGRESS
1ST SESSION

H. R. 1210

To provide for the establishment of the Holocaust Insurance Registry by the Archivist of the United States and to require certain disclosures by insurers to the Secretary of Commerce.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2003

Mr. WAXMAN (for himself, Mr. ENGEL, Ms. SCHAKOWSKY, Mr. CROWLEY, Mr. ISRAEL, Mr. DICKS, Ms. WATSON, Mr. ABERCROMBIE, Mr. HASTINGS of Florida, Mr. ACKERMAN, Mr. OWENS, Ms. BERKLEY, Mr. BERMAN, Mr. SHERMAN, Mr. WEINER, Mr. HINCHEY, Mr. ROHRABACHER, Mr. FROST, Mrs. CAPPS, Mr. WEXLER, Mr. DEUTSCH, Mrs. MALONEY, Mr. VISCLOSKEY, Mrs. MCCARTHY of New York, Mr. TOWNS, Mr. NADLER, Ms. MILLENDER-McDONALD, Ms. SLAUGHTER, Mr. CASE, Mr. McNULTY, Ms. LOFGREN, Ms. KAPTUR, Mr. EMANUEL, Mr. KUCINICH, Mr. SCHIFF, Mr. FARR, Mr. FALEOMAVAEGA, Ms. SOLIS, Mr. FRANK of Massachusetts, and Mrs. LOWEY) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the establishment of the Holocaust Insurance Registry by the Archivist of the United States and to require certain disclosures by insurers to the Secretary of Commerce.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Holocaust Victims In-
3 surance Relief Act of 2003”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—The Congress finds the following:

6 (1) The Holocaust, including the murder of
7 6,000,000 European Jews, the systematic destruc-
8 tion of families and communities, and the wholesale
9 theft of their assets, was one of the most tragic
10 crimes in modern history.

11 (2) When Holocaust survivors or heirs of Holo-
12 caust victims presented claims to insurance compa-
13 nies after World War II, many were rejected because
14 the claimants did not have death certificates or
15 physical possession of policy documents that had
16 been confiscated by the Nazis.

17 (3) In many instances, insurance company
18 records are the only proof of the existence of insur-
19 ance policies belonging to Holocaust victims.

20 (4) Holocaust survivors and their descendants
21 have been fighting for decades to persuade insurance
22 companies to settle unpaid insurance claims.

23 (5) In 1998, the International Commission on
24 Holocaust Era Insurance Claims (in this section re-
25 ferred to as the “ICHEIC”) was established by the
26 National Association of Insurance Commissioners in

1 cooperation with several European insurance compa-
2 nies, European regulators, and survivor advocates to
3 expeditiously address the issue of unpaid insurance
4 policies issued to Holocaust victims.

5 (6) On July 17, 2000, the United States and
6 Germany signed an Executive Agreement in support
7 of the German Foundation “Remembrance, Respon-
8 sibility, and the Future”, which designated the
9 ICHEIC to resolve all Holocaust-era insurance poli-
10 cies issued by German companies and their subsidi-
11 aries.

12 (7) On January 17, 2001, the United States
13 and Austria signed an Executive Agreement, which
14 designated the ICHEIC to resolve all Holocaust-era
15 insurance policies issued by Austrian companies and
16 their subsidiaries.

17 (8) More than 5 years after the establishment
18 of ICHEIC, companies holding Holocaust-era insur-
19 ance policies continue to withhold names on thou-
20 sands of dormant accounts.

21 (9) As of February, 2003, more than 80 per-
22 cent of the 88,000 claims applications filed with the
23 ICHEIC remained unresolved because the claimants
24 could not identify the company holding the policy.

1 (10) Insurance companies doing business in the
2 United States have a responsibility to ensure the
3 disclosure of insurance policies of Holocaust victims
4 that they or their related companies may have
5 issued, to facilitate the rapid resolution of questions
6 concerning these policies, and to eliminate the fur-
7 ther victimization of policyholders and their families.

8 (b) PURPOSE.—The purpose of this Act is to provide
9 information about Holocaust-era insurance policies to Hol-
10 ocaust victims and their heirs and beneficiaries to enable
11 them to expeditiously file their rightful claims under the
12 policies.

13 **SEC. 3. HOLOCAUST INSURANCE REGISTRY.**

14 (a) ESTABLISHMENT AND MAINTENANCE.—Chapter
15 21 of title 44, United States Code, is amended by adding
16 at the end the following:

17 **“§ 2119. Holocaust Insurance Registry**

18 “(a) ESTABLISHMENT.—The Archivist shall establish
19 and maintain a collection of records that shall—

20 “(1) be known as the Holocaust Insurance Reg-
21 istry; and

22 “(2) consist of the information provided to the
23 Archivist under section 5 of the Holocaust Victims
24 Insurance Relief Act of 2003.

1 “(b) PUBLIC ACCESSIBILITY.—The Archivist shall
 2 make all such information publicly accessible and search-
 3 able by means of the Internet and by any other means
 4 the Archivist deems appropriate.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
 6 at the beginning of chapter 21 of title 44, United States
 7 Code, is amended by adding at the end the following:

“2119. Holocaust Insurance Registry.”.

8 **SEC. 4. FULL DISCLOSURE OF HOLOCAUST-ERA POLICIES**
 9 **BY INSURERS.**

10 (a) REQUIREMENT.—An insurer shall cause to be
 11 filed with the Secretary of Commerce in accordance with
 12 subsection (b) the following information:

13 (1) The first name, last name, date of birth,
 14 and domicile of the policyholder of each covered pol-
 15 icy issued by the insurer or a related company of the
 16 insurer.

17 (2) The name of the entity that issued the cov-
 18 ered policy.

19 (3) The name of the entity that is responsible
 20 for the liabilities of the entity that issued the cov-
 21 ered policy.

22 (b) PROPER FILING.—A filing under subsection (a)
 23 shall be made not later than the earlier of 90 days after
 24 the date of the enactment of this Act in an electronic for-

1 mat approved jointly by the Archivist of the United States
2 and the Secretary of Commerce.

3 **SEC. 5. PROVISION OF INFORMATION TO ARCHIVIST.**

4 The Secretary of Commerce shall provide to the Ar-
5 chivist of the United States any information filed with the
6 Secretary under section 4(a) promptly after the filing of
7 such information.

8 **SEC. 6. PENALTY.**

9 The Secretary of Commerce shall assess a civil pen-
10 alty of not less than \$5,000 for each day that an insurer
11 fails to comply with the requirements of section 4, as de-
12 termined by the Secretary.

13 **SEC. 7. USE OF AMOUNTS RECEIVED AS CIVIL PENALTIES.**

14 To the extent or in the amounts provided in advance
15 in appropriation Acts, the Archivist of the United States
16 may use amounts received by the Government as civil pen-
17 alties under section 6 to maintain the Holocaust Insurance
18 Registry.

19 **SEC. 8. NOTIFICATION.**

20 (a) INITIAL NOTIFICATION.—Not later than 180 days
21 after the date of the enactment of this Act and periodically
22 afterward, the Secretary of Commerce shall notify each
23 State's commissioner of insurance of the identity of each
24 insurer that has failed to comply with the requirements

1 of section 4 or has not satisfied any civil penalty for which
2 the insurer is liable under section 6.

3 (b) REQUESTS BY STATES.—On request by the com-
4 missioner of insurance of a State concerning an insurer
5 operating in that State, the Secretary of Commerce shall
6 inform the commissioner of insurance whether the insurer
7 has failed to comply with the requirements of section 4
8 or has not satisfied any civil penalty for which the insurer
9 is liable under section 6.

10 **SEC. 9. STATE HOLOCAUST CLAIMS REPORTING STATUTES.**

11 (a) PREEMPTION.—Nothing in this Act preempts the
12 right of any State to adopt or enforce any State law re-
13 quiring an insurer to disclose information regarding insur-
14 ance policies that may have been confiscated or stolen
15 from victims of Nazi persecution.

16 (b) SENSE OF CONGRESS.—It is the sense of the
17 Congress that if any litigation challenging any State law
18 described in subsection (a) is dismissed because the
19 State’s commissioner of insurance chooses to rely on this
20 Act and therefore no longer seeks to enforce the State law,
21 each party should bear its own legal fees and costs.

22 **SEC. 10. DEFINITIONS.**

23 In this Act:

24 (1) COMMISSIONER OF INSURANCE.—The term
25 “commissioner of insurance” means the highest

1 ranking officer of a State responsible for regulating
2 insurance.

3 (2) COVERED POLICY.—The term “covered pol-
4 icy” means any life, dowry, education, or property
5 insurance policy that was—

6 (A) in effect at any time after January 30,
7 1933, and before December 31, 1945; and

8 (B) issued to a policyholder domiciled in
9 any area of the European Continent that was
10 occupied or controlled by Nazi Germany or by
11 any ally or sympathizer of Nazi Germany at
12 any time during the period described in sub-
13 paragraph (A).

14 (3) INSURER.—The term “insurer” means any
15 person engaged in the business of insurance in
16 United States interstate or foreign commerce, if the
17 person or a related company of the person issued a
18 covered policy, regardless of when the related com-
19 pany became a related company of the insurer.

20 (4) RELATED COMPANY.—The term “related
21 company” means an affiliate, as that term is defined
22 in section 104(g) of the Gramm-Leach-Bliley Act.

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